

February 27, 2003

MEMORANDUM

TO: Larry Hartzke
Department of Health and Family Services

FROM: Janet R. Swandby
Lobbyist for Association of Health Information Outsourcing Services (AHIOS)

RE: **HIPAA Guidelines on Charges for Copies of Health Care Records**

The members of AHIOS are companies which provide release of information services to hospitals and clinics across the United States. These companies had a vital interest in knowing whether the new HIPAA guidelines would restrict their charging attorneys, and other third parties, for copies of patient health care records.

AHIOS specifically asked for clarification of this point and the comment and response was published in the Federal Register on August 14, 2002 on page 53254 (which is page 74 online). The copy of this federal register can be accessed online at <http://www.hhs.gov/ocr/hipaa/privrulepd.pdf>.

The federal Health and Human Services response to the inquiry was that the new rule “. . . limits only the fees that may be charged to individuals or to their personal representatives (Personal representatives are defined in 164.502(g) as being only parents/guardians of minors, or administrators of estates of deceased persons) . . . when the request is to obtain a copy of protected health information about the individual in accordance with the right of access. The fee limitations do not apply to any other permissible disclosures by the covered entity, including . . . disclosures that are based on an individual's authorization”.

The federal Department of Health and Human Services specifically has ruled that fees can be charged for attorney requests for medical records.

JRS/